



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 21 2004

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Derrick Hagerman, President  
Wabash Environmental Technologies, L.L.C.  
1331 South First Street  
Terre Haute, Indiana 47802

Re: Finding of Violation  
Wabash Environmental  
Technologies, L.L.C.  
Terre Haute, Indiana

Dear Mr. Hagerman:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Wabash Environmental Technologies, L.L.C. (you). We find that you have violated Sections 112 and 501 of the Clean Air Act, 42 U.S.C. §§ 7412 and 7661, at your Terre Haute, Indiana facility.

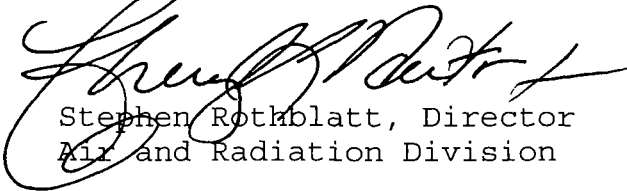
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Joseph Ulfing. You may contact him at (312) 353-8205 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Stephen Rothblatt", is written over the typed name and title.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: David McIver, Chief  
Office of Enforcement Air Section, IDEM

George Needham, Director  
Vigo County Air Pollution Control

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF:	)	
	)	
Wabash Environmental	)	FINDING OF VIOLATION
Technologies, L.L.C.	)	
1331 South First Street	)	EPA-5-04-IN-20
Terre Haute,	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <i>et seq.</i>	)	

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Wabash Environmental Technologies, L.L.C. (Wabash) is violating Section 112 of the Clean Air Act, 42 U.S.C. §§ 7412. Specifically, Wabash is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO), subpart DD at 40 C.F.R. § 63.680 as follows:

**Regulatory Authority**

1. The NESHAP regulations for OSWRO, effective July 1, 1996, apply to the owner or operator of a plant site that:
  - (a) is a major source of hazardous air pollutant (HAP) emissions, as defined in 40 C.F.R. § 63.680(a)(1);
  - (b) receives "off-site material" as defined in 40 C.F.R. §§ 63.680(b) and 63.681; and
  - (c) has located at the site a waste management operation or recovery operation as specified in 40 C.F.R. § 63.680(a)(2)(i) through (vi), and defined in § 63.681.
2. The NESHAP at 40 C.F.R. § 63.683(b)(1) establish control requirements for off-site material management units that are part of an affected source. The NESHAP at 40 C.F.R. §§ 63.681 and 63.680(c)(1) define "off-site material management unit" and "affected source," respectively.
3. An off-site material management unit that is part of an affected source must meet the requirements of either 40

C.F.R. § 63.683(b)(1)(i), (ii), or (iii). An owner or operator complying with 40 C.F.R. § 63.683(b)(1)(i) must control air emissions from each off-site material management unit in accordance with the applicable standards specified in 40 C.F.R. §§ 63.685 through 63.689.

4. The NESHAP at 40 C.F.R. § 63.685(b) establish emission control requirements for "tanks" that are off-site material management units, as that term is defined in 40 C.F.R. § 63.681. Tanks must meet either Level 1 or Level 2 control depending on the tank's size and the off-site material's maximum hazardous air pollutant vapor pressure, according to Table 3 and Table 4 of 40 C.F.R. § 63, subpart DD.
5. Owners or operators controlling air emissions from tanks using Level 1 controls are required to equip tanks with a fixed roof and closure devices, or vent emissions through a closed-vent system to a control device, as prescribed in 63.685(c)(2)(i) and 40 C.F.R. §§ 63.902(b), or 40 C.F.R. § 63.685(c)(2)(ii), respectively.
6. Owners or operators controlling air emissions using Level 2 controls from a tank that is not equipped with a floating roof or that is not pressurized, are required to vent emissions through a closed-vent system to a control device, as prescribed in 40 C.F.R. § 63.685(d)(3).
7. The NESHAP at 40 C.F.R. § 63.688(b) establishes emission control requirements for "containers" that are off-site material management units, as that term is defined in 40 C.F.R. § 63.681.
8. The NESHAP at 40 C.F.R. § 63.689(c) establishes emission control requirements for "transfer systems" that are off-site material management units, as that term is defined in 40 C.F.R. § 63.681. Owners or operators must control air emissions by using one of the transfer systems specified in paragraphs (c)(1) through (c)(3) of that section.
9. The NESHAP at 40 C.F.R. § 63.680(f) provide that certain general provisions of 40 C.F.R. part 63, subpart A, apply to subpart DD OSWRO facilities. Table 2 of 40 C.F.R. part 63, subpart DD, specifies which subpart A requirements an OSWRO facility must meet.
10. The NESHAP at 40 C.F.R. § 63.680(e)(2), specifies that the owner or operator of an affected source that commenced construction or reconstruction on or after October 13, 1994,

must achieve compliance with the provisions of 40 C.F.R. part 63, subpart DD, on or before July 1, 1996, or upon initial startup of operations, whichever date is later as provided in 40 C.F.R. § 63.6(b).

**Statement of Facts**

11. Wabash owns and operates a facility located at 1331 South First Street, Terre Haute, Indiana.
12. The Wabash facility in Terre Haute emits hazardous air pollutants (HAP) as defined at 40 C.F.R. § 63.2.
13. Wabash's facility receives "off-site material" as defined at 40 C.F.R. § 63.680(b).
14. Wabash's facility is a waste management operation that treats wastewater that is an off-site material and the operation is both of the following: the operation is subject to regulation under section 402 of the Clean Water Act but is not owned by a "state" or "municipality," and the treatment of wastewater is the predominant activity performed at the plant site.
15. In November of 2000, Wabash began operating a biological wastewater treatment operation, which includes the following: containers, a transfer system, nine tanks; an equalization tank, a neutralization tank, two aeration tanks, two secondary clarifiers, one aerobic digester, and a scum collection tank. The aforementioned units are "off-site material management units" associated with the wastewater treatment operation.
16. The initial startup of the wastewater treatment facility in November of 2000 resulted in the Wabash plant site having a Potential to Emit greater than 10 tons per year of methanol, a hazardous air pollutant.
17. The wastewater treatment facility is subject to the NESHAP for OSWRO and is an "affected source," as defined in 40 C.F.R. § 63.680(c)(1).
18. According to 40 C.F.R. § 63.688(b) the tanker trucks, or "containers" as they are defined in 40 C.F.R. § 63.681, are required to have their air emissions controlled upon initial start up.

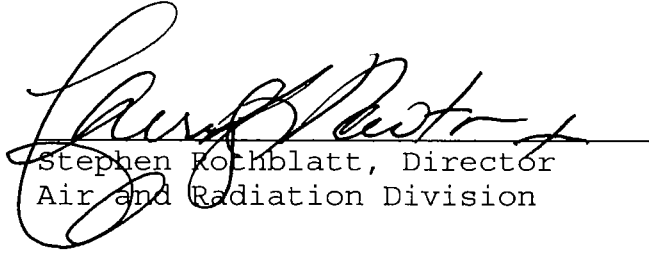
19. The transfer system that the facility employs was required to control air emissions using one of the transfer systems specified in 40 C.F.R. § 63.689(c)(1) through (3) upon initial startup.
20. The equalization tank, neutralization tank, two aeration tanks, two secondary clarifiers, one aerobic digester, and a scum collection tank were required to meet either Level 1 or Level 2 control upon initial startup, as prescribed in 40 C.F.R. § 63.685.

#### Violations

21. 40 C.F.R. 63.683(b)(1) - Requires the owner or operator of each affected off-site material management unit to meet the requirements of either (b)(1)(i), (b)(1)(ii), or (b)(1)(iii). Wabash has failed to either appropriately control its off-site material management units, or collect data and make calculations necessary to show that its units are exempt.
22. 40 C.F.R. § 63.685(b) - Requires the owner or operator of an affected off-site material management unit, a tank, as defined at 40 C.F.R. § 63.681, to control emissions from the facility's tanks upon initial startup, by using Level 1 or Level 2 controls as required by 40 C.F.R. § 63.685(b). Wabash failed to control emissions from its nine tanks by using Level 1 or Level 2 controls upon the facility's initial startup in November 2000 to the present.
23. 40 C.F.R. § 63.688(b) - Requires the owner or operator of an affected off-site material management unit that is a container, as defined at 40 C.F.R. § 63.681, to control emissions from the container in accordance with the requirements (b)(1) through (3). Wabash has failed to control emissions from the facility's containers by following one of the requirements specified in (b)(1) through (3) upon initial startup in November 2000 to the present.

24. 40 C.F.R. § 63.689(c) - Requires the owner or operator of an affected off-site material management unit that is a transfer system, as defined at 40 C.F.R. § 63.681, to control emissions from the facility's transfer system by using one of the transfer systems specified in 40 C.F.R. § 63.689(c)(1) through (3). Wabash failed to control emissions from the facility's transfer system by using one of the transfer systems specified in (c)(1) through (3) upon initial startup in November 2000 to the present.

4/21/04  
Date

  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-04-IN-20, by Certified Mail, Return Receipt Requested, to:


Derrick Hagerman, President  
Wabash Environmental Technologies, L.L.C.  
1331 South First Street  
Terre Haute, Indiana 47802

I also certify that I sent copies of the Finding of Violation by first class mail to:

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

George Needham, Director  
Vigo County Air Pollution Control  
103 South Third Street  
Terre Haute, Indiana 47807

on the 21st day of April, 2004.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 01784278